

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
February 13, 2018

Name of Offender: **Brenda Bernal**

Case Number: **2:15CR00036**

Name of Sentencing Judicial Officer: **Honorable Jennifer A. Dorsey**

Date of Original Sentence: **May 8, 2017**

Original Offense: **Accessory After the Fact**

Original Sentence: **Timed Served, followed by 36 Months TSR**

Date Supervision Commenced: **May 8, 2017**

Name of Assigned Judicial Officer: **Honorable Jennifer A. Dorsey**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

Residential Reentry Center – You must reside in a residential reentry center for a term of 90 days. You must follow the rules and regulations of the center.

CAUSE

On May 8, 2017, the offender was sentenced and instructed to participate in a substance abuse program. On May 17, 2017, the offender was referred to substance abuse counseling and placed in code-a-phone testing.

On January 17, 2018, her conditions of supervision were modified to include community service hours due to her non-compliance with substance abuse counseling and drug testing. However, to this date she has continued with her non-compliance and has tested positive for methamphetamine.

RE: Brenda Bernal

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On January 13, 2018, the offender submitted a random drug test which tested positive for methamphetamine, as confirmed by the regional laboratory.


On January 17, 2018, this writer was advised the offender arrived 30 minutes late to her substance abuse counseling session. Her counselor informed this writer that the offender had voices that it was due to the transit transportation system.

On January 24, 2018, this writer spoke with the offender telephonically, and instructed her to report to the U.S. Probation Office on January 25, 2018, at 8:00 A.M. The offender failed to report as instructed.

On February 5, 2018, the offender reported to the U.S. Probation Office as instructed. She was admonished for her positive drug test, not following this writer's instructions, and failure to report to her substance abuse session on time. The offender denied any drug usage, but signed a Waiver of Hearing to modify her conditions of supervision to include up to 90 days in a residential reentry center as a sanction for her non-compliance. She was advised that if she continues to not abide by her conditions of supervision the Court can impose more severe sanctions, including initiating revocation proceedings.

At this time, the U.S. Probation Office feels this is an appropriate sanction to address her non-compliance. We will continue to monitor the offender via drug testing and participation in her drug counseling sessions. If the offender continues to not abide by her conditions of supervision, Your Honor will be informed immediately. If Your Honor is desirous of another alternate course of action, please do not hesitate to call this writer at 702-527-7274. Please see attached Waiver of Hearing signed by the offender.

Respectfully submitted,

 Margarita Hernandez
Powell
2018.02.15 10:58:10
-08'00'

Margarita Hernandez Powell
United States Probation Officer

Approved:

 Niquita M. Loftis
2018.02.15 10:42:02 -08'00'

Niquita Loftis
Supervisory United States Probation Officer

THE COURT ORDERS

☐ No Action.

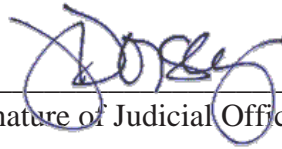
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☐ The extension of supervision as noted above.

☒ The modification of conditions as noted above

☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

2/15/2018

Date